

Abstract

Transfer of ownership of flats from the cooperatives to its members

The aim of this thesis is to analyze the legislative regulation of transfers of ownership of flats from housing cooperatives to their members. This is a hot topic, since there are still many members who have not yet settled legal claims against the housing cooperatives. Attention is paid to the legislation contained in the Act on ownership of flats. In addition, legal regulation in the Transformation Act is mentioned, which introduced legislation on transfer of ownership from housing cooperative to its members. Individual provisions of the Commercial Code, which relates to housing cooperatives legislation, are also being analyzed.

The thesis consists of four chapters. The first chapter discusses the formation and development of housing cooperatives, explains its basic principles and mainly characterizes concepts of former housing cooperatives. This introductory chapter also defines the basic terms of the housing cooperatives, such as a cooperative housing and cooperative apartment.

The second chapter is interpretation of the contemporary legislation on transfer of ownership of cooperative units. Firstly, the legal protection of a member of a housing cooperative is analyzed in detail. Considerable attention is paid to contractual obligation of housing cooperatives, where legal requirements are described in greater detail. Even the issue of transfers of ownership of units that were purchased as extensions or conversions of existing buildings has not been ignored.

The third chapter sets out the conditions and methods of realization of the transfer of ownership of the unit to the members. Various legal actions, which have to be taken so the transfer of property is successful, are also subject to interpretation. These actions include a statement of the owner of the building, contract for the transfer of cooperative units, and an investment proposal to permit ownership of the unit.

The fourth chapter is devoted to the new Civil Code and the Act on corporations and the changes that these new laws will bring into the legal system of ownership in relation to housing legislation and housing cooperatives.

Key words: housing cooperatives, contractual obligation, transfer of property